

## **IC 12-21-5**

### **Chapter 5. Duties of Division**

## **IC 12-21-5-1**

### **Administration of related laws**

Sec. 1. The division is responsible for administering the following:

- (1) This article.
- (2) IC 12-22.
- (3) IC 12-23.
- (4) IC 12-25.
- (5) Other programs the division is required to administer by statute.
- (6) State institutions listed in IC 12-24-1-3.

*As added by P.L.2-1992, SEC.15. Amended by P.L.40-1994, SEC.32.*

## **IC 12-21-5-1.5**

### **Mental health and addiction services**

Sec. 1.5. The division shall do the following:

- (1) Adopt rules under IC 4-22-2 to establish and maintain criteria to determine patient eligibility and priority for publicly supported mental health and addiction services. The rules must include criteria for patient eligibility and priority based on the following:

- (A) A patient's income.
- (B) A patient's level of daily functioning.
- (C) A patient's prognosis.

- (2) Within the limits of appropriated funds, contract with a network of managed care providers to provide a continuum of care in an appropriate setting that is the least restrictive to individuals who qualify for the services.

- (3) Require the providers of services funded directly by the division to be in good standing with an appropriate accrediting body as required by rules adopted under IC 4-22-2 by the division.

- (4) Develop a provider profile that must be used to evaluate the performance of a managed care provider and that may be used to evaluate other providers of mental health services that access state administered funds, including Medicaid, and other federal funding. A provider's profile must include input from consumers, citizens, and representatives of the mental health ombudsman program (IC 12-27-9) regarding the provider's:

- (A) information provided to the patient on patient rights before treatment;
- (B) accessibility, acceptability, and continuity of services provided or requested; and
- (C) total cost of care per individual, using state administered funds.

- (5) Ensure compliance with all other performance criteria set forth in a provider contract. In addition to the requirements set

forth in IC 12-21-2-7, a provider contract must include the following:

- (A) A requirement that the standards and criteria used in the evaluation of care plans be available and accessible to the patient.
  - (B) A requirement that the provider involve the patient in the choice of and preparation of the treatment plan to the greatest extent feasible.
  - (C) A provision encouraging the provider to intervene in a patient's situation as early as possible, balancing the patient's right to liberty with the need for treatment.
  - (D) A requirement that the provider set up and implement an internal appeal process for the patient.
- (6) Establish a toll free telephone number that operates during normal business hours for individuals to make comments to the division in a confidential manner regarding services or service providers.
  - (7) Develop a confidential system to evaluate complaints and patient appeals received by the division of mental health and addiction and to take appropriate action regarding the results of an investigation. A managed care provider is entitled to request and to have a hearing before information derived from the investigation is incorporated into the provider's profile. Information contained within the provider profile is subject to inspection and copying under IC 5-14-3-3.
  - (8) Submit a biennial report to the governor and legislative council that includes an evaluation of the continuum of care. A report submitted under this subdivision to the legislative council must be in an electronic format under IC 5-14-6.
  - (9) Conduct an actuarial analysis every four (4) years beginning July 1, 2000.
  - (10) Annually determine sufficient rates to be paid for services contracted with managed care providers who are awarded a contract under IC 12-21-2-7.
  - (11) Take actions necessary to assure the quality of services required by the continuum of care under this chapter.
  - (12) Incorporate the results from the actuarial analysis in subdivision (9) to fulfill the responsibilities of this section.

*As added by P.L.40-1994, SEC.33. Amended by P.L.215-2001, SEC.60; P.L.28-2004, SEC.112.*

## **IC 12-21-5-2**

### **Education and treatment of emotionally disturbed children**

Sec. 2. The division is responsible for the following:

- (1) The planning, research, and development of programs and methods for the education and treatment of emotionally disturbed children.
- (2) The coordination of governmental services, activities, and programs in Indiana relating to such children.
- (3) The administration of the state supported services concerned

with such children.

(4) The preparation of the annual report required by IC 7.1-6-2-5.

*As added by P.L.2-1992, SEC.15. Amended by P.L.256-1996, SEC.3.*

### **IC 12-21-5-3**

#### **Special education; programs for children with disabilities**

Sec. 3. IC 20-35-2 applies to the operation of each education program for children with disabilities (as defined in IC 20-35-1-2) conducted by a state owned and operated mental health institution or furnished under an agreement with the division.

*As added by P.L.2-1992, SEC.15. Amended by P.L.23-1993, SEC.55; P.L.1-2005, SEC.139.*